

REMARKS/ARGUMENTS:

Claims 1-27 are pending. In a final Office Action dated January 13, 2005, the Examiner has finally rejected claims 1, 6-11, 16-20, 21-23, and 25-26 under 103(a) as being obvious over Tada (U.S. Patent No. 6,662,105) in view of Applicant's disclosed reference to Otting (U.S. Patent No. 6,477,372). The Examiner has further rejected claims 2-5, 12-15 and 24 under 103(a) as obvious over Tada in view of Otting and further in view of Dennison (U.S. Patent No. 6,324,404). Of the pending claims, only claims 1, 11, 21 and 27 are independent.

The applicant has previously amended each of the independent claims 1, 13 and 21, and added claim 27, to recite that a system selection parameter, derived from the mobile station's location relative to a map within the mobile station, is used to obtain access to a desired communication system. Claim 1 is representative and recites three elements: 1) determining a location of a mobile station; 2) comparing the location to information that is descriptive of a map that is stored in the mobile station, and 3) deriving a system selection parameter from the mobile station's location relative to the map by which the mobile station may obtain access to a desired communication system. It is noted that the term "the mobile station's location" in the third element draws antecedent basis from "a location" in the first clause.

Tada describes a device that determines, according to various conditions, whether to obtain route-guiding data from a map stored locally in a mobile body or from a separate information center IC (Tada, abstract and col. 2, lines 3-19). The purpose is to more precisely plot a vehicle's location on a map that may be graphically displayed to the vehicle driver (Tada, col. 1, lines 7-10, 30-32, and line 66 to col. 2, line 2). The Examiner recites that Tada teaches or suggests the first two elements of claim 1 but not the third. The Applicant agrees with that shortfall of Tada, and further notes that the Tada disclosure is simply not relevant to the third claim element of deriving the claimed system selection parameter. This is because any access that Tada's device has with a communication system (e.g., the IC) is already consummated in order to obtain Tada's route-guidance data, which the Examiner analogizes to the location information of claim 1. Even without considering the substance of other references, it is difficult to see how Tada could be modified so that the route-guidance data obtained from the IC is somehow used to derive parameters to obtain access to that same IC.

This circular logic continues when Tada is modified by Otting in the obviousness rejection. The Examiner's bare statement at the first line of page 3 of the Office Action, that the third element of claim 1 is known in the art of communications, is insufficient basis for a rejection and unsupported by the teachings of Otting. As the Examiner recites, Otting teaches that the mobile station determines and scans for alternate technology. That Otting does this with reference to a location of the mobile station is not seen within that reference.

Otting is not so concerned with the network for which a mobile station background scans as to how to manage communications with the network on which the mobile station is camped, and already in communication. This is to deal with the competing requirements of different regulatory environments in a single GAIT phone. The sections at Otting cols. 3-4, cited in the Office Action, are seen to detail how alternate technology scan ATS is enabled in the mobile station and how paging messages are handled by the camped base station while the mobile station is background scanning for ATS. Otting's references to GSM900/1900 bands (Europe) and GSM1900 band (North America) relate to resolving a "fundamental contradiction" between the disparate standards as detailed at col. 1, line 61 to col. 2, line 18. Otting's self-described purpose is to resolve that contradiction in a cost effective and bandwidth efficient manner while still meeting the paging requirements on whatever system it is camped. See also Otting col. 1, lines 49-60. Nowhere in Otting is it seen that a mobile station's location relative to a map is used to derive selection parameters to access a network.

That the different standards correlate to different geographic areas does not imply that a mobile station's geographic location relative to a map is used to derive a system selection parameter as in claim 1. Base stations cover a geographic area but handovers of mobile stations are typically based on changing signal strength. Otting is not seen to teach or suggest that a mobile station's geographic location relative to a map in the mobile station is pertinent to accessing a communication system. Otting does not disclose whether a fading signal from the camped network triggers an ATS, how the mobile station selects which channels to scan and in what order, or any other details as to how it determines parameters to select a particular system for background scan. Such details are not particularly important to the Otting disclosure because it is directed to satisfying page-reception requirements on the camped network for the different standards in which a GAIT phone may operate. Otting's interest in background scans is to coordinate time away from the camped network so that

paging messages for the mobile station are not lost and re-transmitted. However, that same lack of detail is quite relevant to the current claim rejections. The absence of teachings in Otting by which a mobile station's location, relative to a map within that mobile station, may be used to derive a system selection parameter show that the combination of Otting and Tada cannot anticipate claim 1.

Further, there is no motivation to combine the references and the Examiner advances none. Tada has only one communication system, that which connects to the IC. Tada's route-guidance information is already obtained over that system for plotting the route against a map, so there is no need to derive further parameters by which to obtain access to the same IC, and no motivation to modify Tada to achieve such a circular result.

Each of the above arguments applies equally to independent claims 11, 21 and 27, which each recite similar elements in slightly differing language given their differing preambles.

As to the dependent claims, claims 8-9 and 18-19 are clearly beyond the references. None teach or suggest that the mobile station's location is obtained with assistance from a network operator, or transmitted from a network operator. Tada recites only that an information center provide the route data, which cannot teach or suggest both with and without assistance from a network operator (distinction between claims 7 and 8, for example). No reference alludes that the mobile station has its own means for determining its location as in claim 26, and the Office Action gives no particular citation or reasoning specific to that claim in rejecting it.


The Examiner's rejection of claims 2-5, 12-15 and 24 over the combination of Tada with Otting and Dennison is seen as identical to that previously advanced in the non-final Office Action, except that Otting is added to the mix for the third element noted above. As in the Amendment dated September 9, 2005, the Applicant asserts that Dennison also fails to teach or suggest deriving at least one system selection parameter from the mobile station's location relative to the map by which the mobile station may obtain access to a desired communication system.

First, because the map of claim is stored in the mobile station, the mobile station necessarily does the deriving of the system selection parameter. As previously detailed in the September 9, 2004 Amendment with ample references, this represents a bottom-up or distributed decision-making approach. Dennison in contrast teaches an opposing top-down approach, where changes are commanded by the network operator such as for billing and taxing decisions, cell site selection, frequency selection, cellular system selection, and frequency. There is no need to derive any parameter in the Dennison mobile station because they are all directed from the network in a top-down approach. Thus, Tada, Otting and Dennison, alone or in combination, teach or recite the claimed deriving of a system selection parameter.

Second, it appears that to modify Dennison to achieve the above claim clause would necessarily modify its principal of operation. Deciding in the mobile station a system connection parameter necessarily devolves decisional authority for the connection outside the network, in violation of nearly every one of Dennison's stated objects and contrary to the above-described top-down approach. Dennison's overarching theme is for the network to keep control over subscribers for as long as possible, for any of various recited reasons. It is seen as inconsistent to modify Dennison so that a subscriber, represented by Dennison's communication device, searches for a different network that may differ from the present network.

For at least the above reasons, the Applicant respectfully requests the Examiner to review the references for consistency with the above points, withdraw the rejections, and pass claims 1-27 to issue. The undersigned welcomes the opportunity to resolve any matters that may remain via teleconference, at the Examiner's discretion.

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